

RULE NO.: R161-14.15

NOTICE OF PROPOSED RULE

POSTING DATE: January 14, 2014

The Director of the Department of Parks and Recreation proposes to adopt the following rule after February 15, 2014.

Comments on the proposed rule are requested from the public. Comments should be submitted to D'Anne Williams, 919 W. 28 ½ Street, Austin Texas, 78705, 512-974-9456. To be considered, comments must be submitted before February 15, 2014, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before February 15, 2014 (the 32nd day after the date of this notice) or not after April 14, 2014 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before April 14, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

The Environmental Criteria Manual is amended to add to Section 3 – Tree and Natural Area Preservation to read:

3.7.0 PUBLIC TREES

3.7.1 Standard of Care for Trees and Plants on Public Property

Public trees, as defined in § 6-3-1, shall be managed according to the latest of standards and associated best management practices contained in the American National Standards Institute A300, published and updated by the Tree Care Industry Association.

The urban forester, as designated by the city manager per § 6-3-2, will provide interpretation of the standards and best management practices as required or desired. The urban forester will coordinate edits, revisions, or additions to this section.

BRIEF EXPLANATION OF PROPOSED RULE

Rule R161- 14.15: Proposed additions to the Environmental Criteria Manual, Section 3 – Tree and Natural Area Preservation. The proposed rule adopts the American National Standards associated with best management practices for tree care for all Public Trees.

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Department of Parks and Recreation located at 919 W. 28 ½ Street, Austin Texas, 78705; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate Public Tree Care requirements is established in Chapter 6-3 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-14.15 the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Sara L. Hensley, Director
Department

Date: _____

Karen M. Kennard
City Attorney

Date: _____

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